THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 16180 of 1996

DATE: 05-03- 2007

Between :

N. Satyanarayana ... Petitioner

And

1. The District Collector, Khammam., and
   4 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 16180 of 1996

ORDER:

The petitioner who claims to be a Tribal is working as a Driver in Kothagudem Thermal Power Station, Paloncha in Khammam District. It is stated that though his father by name Bhadraiah belonged to a forward class, his mother by name Anasurya is a Koya which is a Scheduled Tribe. Since he was brought up by his maternal grand parents and was taken into their community, he was issued the scheduled tribe certificate by the then Tahsildar, Khammamm, dated 30-11-1974. On the basis of the said certificate, the petitioner joined as Driver in Kothagudem Thermal Power Station, Paloncha. While so, on a complaint made by one Ratnamma alleging that the caste certificate issued to the petitioner was false, the Revenue Divisional Officer conducted an enquiry and after being satisfied as to the genuineness of the petitioner's claim, vide order dated 20-9-1994 dropped the proceedings. That apart, another enquiry was conducted by the Deputy Superintendent of Police, Vigilance Cell of A.P.S.E.B. on the basis of complaint received from one Babulal and Chandulal. The said proceedings were also disallowed holding that the caste certificate issued to the petitioner was valid and that the petitioner was a Scheduled Tribe by birth. The said complainants who are inimically disposed against the petitioner in view of certain property disputes, had again made a complaint before the Superintendent of Police, Khammam on the same allegation that the petitioner's caste certificate was false. Pursuant thereto, a report was called for from the Circle Inspector of Police, Paloncha, and after

conducting a detailed enquiry by proceedings dated 1-3-1994 the Superintendent of Police had closed the file holding that the petitioner is a Scheduled Tribe by birth.

In spite of the same, the petitioner was served with a notice dated 1-6-1994 issued by the 1st respondent calling upon to show-cause as to why the caste certificate issued to him should not be cancelled. The petitioner had submitted his explanation denying the allegations. While the enquiry was pending, the petitioner filed W.P.No.5268 of 1995 contending that the repeated enquiries being conducted by the respondents on frivolous complaints are arbitrary and illegal. Since the said writ petition was dismissed by order dated 22-3-1995, the petitioner preferred W.A.No.435 of 1995, pending which by way of interim order dated 4-7-1995 the show-cause notice dated 1-6-1994 was suspended.

In the meanwhile, the 2nd respondent - Joint Collector passed the impugned order dated 14-6-1995 cancelling the S.T. caste certificate dated 30-11-1974 issued to the petitioner. In the circumstances, the petitioner had withdrawn W.A.No.435 of 1995 and filed the present writ petition seeking a declaration that the order of the 2nd respondent dated 14-6-1995 is arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondents, it is stated that the plea of the petitioner that his mother Anasurya belongs to Koya (ST community) is false. The petitioner was actually born to one Jogamma who belongs to forward class. Admittedly, his father Bhadraiah also belonged to forward class. The enquiry revealed that Smt. Anasurya was not the legally wedded wife of Sri Bhadraiah and the petitioner was not born to her. It is also incorrect to state that the petitioner was brought up by the tribal community. The ST caste certificate was obtained by him by the then Tahsildar, Kothagudem by furnishing false information.

I have heard the learned Counsel for both the parties and

perused the material on record.

Even according to the version of the petitioner, his father, Bhadraiah belongs to forward class. However, he claimed that his mother Anasuryamma belongs to Koya (ST) and that he was brought up by his maternal grand parents and therefore he was rightly issued the caste certificate dated 30-11-1974 by the then Tahsildar, Khammam.

The claim of the petitioner that he was born to Smt. Anasuryamma, a Scheduled Tribe has been denied by the respondents and it is stated that he was actually born to Smt. Jogamma, who belongs to forward class and who is the legally wedded wife of Bhadraiah.

Even assuming that his mother belongs to ST, admittedly he was born to inter-caste couple. Hence, in the absence of any material to establish that the petitioner lead his life with tribal community, he cannot claim Scheduled Tribe status and consequently question of issuing ST certificate does not arise.

It is also relevant to note that the petitioner had earlier filed W.P.No.11757 of 1989 to quash the order of the Mandal Revenue Officer, Paloncha, dated 4-8-1989 under which the Mandal Revenue Officer had refused to grant a ST certificate in favour of the petitioner's children. The said writ petition was dismissed by a Division Bench of this Court by order dated 26-3-1997 holding as under :

> *"From the facts, it is clear that the petitioner's father is Kamma. He might have married a tribal lady. But, the children will not automatically become tribals as the caste of the children will be determined by the caste of the father.*
>
> *As the petitioner's father belongs to Kamma caste, which does not fall under Scheduled Tribes in the State of Andhra Pradesh, the request of the petitioner to issue a caste certificate to the petitioner showing his caste as 'Koya' under Scheduled Tribes is negatived. As such, there is no reason to interfere and the Writ Petition is liable to be dismissed."*

In view of the order of the Division Bench in W.P.No.11757 of 1989 in which the claim of the petitioner that he belongs to Scheduled Tribe was negatived, the present writ petition is misconceived and liable to be dismissed on that ground alone.

However, the learned Counsel for the petitioner while placing reliance upon the decision of the Supreme Court in KUMARI MADHURI PATIL v. ADDL. COMMISSIONER[1], contended that the enquiry conducted by the 2nd respondent was not in terms of the directions given by the Supreme Court and therefore the entire enquiry was vitiated and liable to be set aside.

The procedure to be adopted with regard to the caste certificates in respect of SCs, STs & BCs in the State of Andhra Pradesh at the relevant point of time was governed by G.O.Ms.No.117, Social Welfare (J2) Department, dated 1-7-1989 under which the Government authorised all the Collectors & District Magistrates to cancel the false Scheduled Caste & Scheduled Tribe Certificates after following the procedure prescribed thereunder. Since the impugned order was passed after conducting such an enquiry, I do not find any merit in the contention of the learned Counsel for the petitioner. The facts in KUMARI MADHURI PATIL'S case (1 supra) are entirely different and the ratio laid down therein is not applicable to the case on hand.

For the aforesaid reasons and in view of the order of the Division Bench in W.P.No.11757 of 1989, dated 26-3-1997 which has become final, this Writ Petition is dismissed. No costs.

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G. Rohini, J.

Dt. 05–3-2007
gbs

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[1] (1994) 6 Supreme Court Cases 241